

# SB2305



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2305

Introduced 2/15/2011, by Sen. Thomas Johnson

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-4

from Ch. 38, par. 1003-3-4

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board shall not release any material to the inmate, the inmate's attorney, any third party, or any other person containing any information from the victim or from a person related to the victim by blood, adoption, or marriage who has written objections, testified at any hearing, or submitted audio or visual objections to the inmate's parole, unless provided with a waiver from that objecting party.

LRB097 08597 RLC 48724 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 3-3-4 as follows:

6 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

7 Sec. 3-3-4. Preparation for Parole Hearing.

8 (a) The Prisoner Review Board shall consider the parole of  
9 each eligible person committed to the Adult Division at least  
10 30 days prior to the date he shall first become eligible for  
11 parole, and shall consider the parole of each person committed  
12 to the Department of Juvenile Justice as a delinquent at least  
13 30 days prior to the expiration of the first year of  
14 confinement.

15 (b) A person eligible for parole shall, no less than 15  
16 days in advance of his parole interview, prepare a parole plan  
17 in accordance with the rules of the Prisoner Review Board. The  
18 person shall be assisted in preparing his parole plan by  
19 personnel of the Department of Corrections, or the Department  
20 of Juvenile Justice in the case of a person committed to that  
21 Department, and may, for this purpose, be released on furlough  
22 under Article 11 or on authorized absence under Section 3-9-4.  
23 The appropriate Department shall also provide assistance in

1 obtaining information and records helpful to the individual for  
2 his parole hearing. If the person eligible for parole has a  
3 petition or any written submissions prepared on his or her  
4 behalf by an attorney or other representative, the attorney or  
5 representative for the person eligible for parole must serve by  
6 certified mail the State's Attorney of the county where he or  
7 she was prosecuted with the petition or any written submissions  
8 15 days after his or her parole interview. The State's Attorney  
9 shall provide the attorney for the person eligible for parole  
10 with a copy of his or her letter in opposition to parole via  
11 certified mail within 5 business days of the en banc hearing.

12 (c) Any member of the Board shall have access at all  
13 reasonable times to any committed person and to his master  
14 record file within the Department, and the Department shall  
15 furnish such a report to the Board concerning the conduct and  
16 character of any such person prior to his or her parole  
17 interview.

18 (d) In making its determination of parole, the Board shall  
19 consider:

20 (1) material transmitted to the Department of Juvenile  
21 Justice by the clerk of the committing court under Section  
22 5-4-1 or Section 5-10 of the Juvenile Court Act or Section  
23 5-750 of the Juvenile Court Act of 1987;

24 (2) the report under Section 3-8-2 or 3-10-2;

25 (3) a report by the Department and any report by the  
26 chief administrative officer of the institution or

1 facility;

2 (4) a parole progress report;

3 (5) a medical and psychological report, if requested by  
4 the Board;

5 (6) material in writing, or on film, video tape or  
6 other electronic means in the form of a recording submitted  
7 by the person whose parole is being considered; and

8 (7) material in writing, or on film, video tape or  
9 other electronic means in the form of a recording or  
10 testimony submitted by the State's Attorney and the victim  
11 or a concerned citizen pursuant to the Rights of Crime  
12 Victims and Witnesses Act.

13 (e) The prosecuting State's Attorney's office shall  
14 receive from the Board reasonable written notice not less than  
15 30 days prior to the parole interview and may submit relevant  
16 information by oral argument or testimony of victims and  
17 concerned citizens, or both, in writing, or on film, video tape  
18 or other electronic means or in the form of a recording to the  
19 Board for its consideration. Upon written request of the  
20 State's Attorney's office, the Prisoner Review Board shall hear  
21 protests to parole, except in counties of 1,500,000 or more  
22 inhabitants where there shall be standing objections to all  
23 such petitions. If a State's Attorney who represents a county  
24 of less than 1,500,000 inhabitants requests a protest hearing,  
25 the inmate's counsel or other representative shall also receive  
26 notice of such request. This hearing shall take place the month

1 following the inmate's parole interview. If the inmate's parole  
2 interview is rescheduled then the Prisoner Review Board shall  
3 promptly notify the State's Attorney of the new date. The  
4 person eligible for parole shall be heard at the next scheduled  
5 en banc hearing date. If the case is to be continued, the  
6 State's Attorney's office and the attorney or representative  
7 for the person eligible for parole will be notified of any  
8 continuance within 5 business days. The State's Attorney may  
9 waive the written notice.

10 (f) The victim of the violent crime for which the prisoner  
11 has been sentenced shall receive notice of a parole hearing as  
12 provided in paragraph (4) of subsection (d) of Section 4.5 of  
13 the Rights of Crime Victims and Witnesses Act.

14 (g) Any recording considered under the provisions of  
15 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
16 the form designated by the Board. Such recording shall be both  
17 visual and aural. Every voice on the recording and person  
18 present shall be identified and the recording shall contain  
19 either a visual or aural statement of the person submitting  
20 such recording, the date of the recording and the name of the  
21 person whose parole eligibility is being considered. Such  
22 recordings shall be retained by the Board and shall be deemed  
23 to be submitted at any subsequent parole hearing if the victim  
24 or State's Attorney submits in writing a declaration clearly  
25 identifying such recording as representing the present  
26 position of the victim or State's Attorney regarding the issues

1 to be considered at the parole hearing.

2 (h) The Board shall not release any material to the inmate,  
3 the inmate's attorney, any third party, or any other person  
4 containing any information from the victim or from a person  
5 related to the victim by blood, adoption, or marriage who has  
6 written objections, testified at any hearing, or submitted  
7 audio or visual objections to the inmate's parole, unless  
8 provided with a waiver from that objecting party.

9 (Source: P.A. 96-875, eff. 1-22-10.)